

Question 233: Reference L.31 EMCBC-L-1004 Proposal Preparation Instructions - Technical Proposal - Volume II (page 70 of 79) Criterion 1 – Relevant Experience – For work to be considered relevant for the *Experience and Past Performance Reference Information Form, Attachment L-2*, does it need to fall within the \$5M to \$100M category and have a period of performance duration of 2 to 4 years **or** does the work just need to be completed or ongoing in the past three (3) years.

Answer: Section L.31(1) Criterion 1 – Relevant Experience. Offerors should provide information regarding size, scope, and complexity on contracts that have been completed within the last three (3) years or currently ongoing. See also answers to Questions 52, 56, 59 and 68.

Question 234: In the pre-proposal meeting the critical or major subcontractor were defined to be: The term “major or critical subcontractor” is defined as subcontractors proposed to **perform the following services, regardless of dollar value**, under this contract in the performance of Task Orders: Environmental Remediation, Decontamination, Demolition, Waste Management, Regulatory Services, Radiological Controls, and Safety.

There should be a limit on % of the project or our ability to obtain local quotes in the facility of the project cannot be later obtained. For example, with the clarification it appears that local trucking companies, local drilling companies become major and must be used on every task order, so our only choice would be to hire nationwide large firms. Could we suggest that if one uses a Project Description in the proposal with a corresponding Project Evaluation, the subcontractor would be considered major and would need to complete a Volume 3 discussion of its rate basis in our proposal.

Normally we would not negotiate teaming agreement with local vendors, only receive estimate for basis of estimate purposes and bid the task out later to local companies.

Answer: The definitions of major or critical subcontractors are addressed in the solicitation at Section L.29(a) Proposal Preparation Instructions—General and Section H.15 EMCBC-H-1006, Major or Critical Subcontracts—Designation and Consent. Instructions for the information to be provided in Volume III, Cost and Fee Proposal, by offerors for the major or critical subcontractors are contained in Section L.32 Instructions for Preparing Cost Proposals—Volume III. The cost proposal to be submitted by the offeror is for completion of the Sample Task—Attachment L-3.

Question 235: Please refer to L.23 DOE-L-1012 Guidance for Prospective Offerors - Impact of Teaming Arrangements on Small Business Status.

Paragraph (d) states that “the SBA has issued several decisions concerning its evaluation of affiliation of an offeror and its proposed subcontractor(s). The following examples set forth characteristics that the SBA has reviewed in considering the question of affiliation and may assist prospective offerors in developing any teaming arrangements and their proposals”. The first example is “The SBA considers whether proposed subcontracting, partnership, joint venture, or other teaming arrangements contain discrete descriptions of the tasks or work to be performed by each party. The SBA considers whether the offeror or, if the offeror is a joint venture or partnership, the joint venture participants or partners, perform the primary or vital portions of the Statement of Work.” [1] In considering the primary and vital portions of the work, are the services listed in L.29 EMCBC--L-1002 Proposal Preparation Instructions 8 0 General, (Environmental Remediation, Decontamination, Demolition, Waste Management, Regulatory Services, Radiological Controls, and Safety) considered to be the primary or vital portions of the work? The RFP does not discuss the issue of proposal development and production, which is also one of the aspects considered by the SBA for affiliation with subcontractors. [2] How much proposal development help can a large business provide to a small business team?

Also, 13 C.F.R. § 121.103 is referenced in Section L23 for affiliation. In 13 CFR 121.103(h)(3)) there is an exception to the normal rules of affiliation for joint ventures and teams on procurements that meet certain requirements including 1) a bundled procurement of any dollar value; or 2) for procurements having an employee based size standard, the dollar value of the procurement exceeds \$10 million. For these

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procurements, the JV or prime/sub team is considered small so long as each member is small under the size standard assigned to the procurement. [3] Please confirm that this is a bundled procurement that exceeds \$10 million and as such the affiliation exception applies to this contract.

Answer: First Question: See answer to Question 229.

Second Question: The SBA has exclusive authority to decide size status, including matters pertaining to affiliation. See also answers to questions 210 and 229.

Third Question – The SBA has exclusive authority to decide size status, including matters pertaining to affiliation.

Question 236: Please refer to Clause H.23 EMCBC-H-1014 Required Insurance and Bonds (Applies to Each Individual Task Order, if applicable). In article (d) Performance Bond and Payment Bond it is stated that “When required by the Task Order, the contractor shall acquire and provide to the DCO proof of a payment bond of obligations to subcontractors, satisfactory to the DCO.” Are performance bonds also required?

Answer: Clause H.23 EMCBC-H—1014 -- Performance Bonds may also be required for an individual Task Order. The solicitation will be amended to include performance bonds in H.23 (d)(1) and (2).

Question 237: Reference: Section L.32(6) (Page 74 of 82) states: “The offeror shall provide a detailed narrative description of how the proposed costs by cost element were derived, including a brief discussion of work scope”. Question: Is DOE referring to the cost elements identified in Section L.32(8)b? We typically provide a basis of estimate by WBS element rather than cost element. Please clarify your request. Also, are the WBS assumptions required in Schedule 5 the same as those required in the “detailed narrative”?

Answer: Section L.32 Instructions for Preparing Cost Proposals -- Reference Section L.32(6) which states the offeror shall provide a detailed narrative description of how the proposed costs by cost element were derived. The Cost Elements identified are in Section L.32(8)b. The WBS assumptions required in Attachment L-5 Schedule 5 are not the same as the information required in the detailed narrative in Section L.32(6), which states the offeror shall provide a detailed narrative description of how the proposed costs by cost element were derived. Attachment L-5 Schedule 5 requires the offeror to add a description of the assumptions made for each WBS worksheet, including provision of units of measure and cost estimating information so as to provide a clear understanding of the offeror's Basis of Estimate by WBS.

Question 238: L.30(b)(2) states “Representations, Certifications and Other Statements of the Offeror (Section K) shall be fully executed by an authorized representative of the offeror.” Does this mean that a signature is required for the original copy of Volume I? If so, should offerors insert a signature line, or will a revised Section K be provided in an amendment?

Answer: Section K—Representations, Certifications, and Other Statements of Bidders – For the Representations and Certifications contained in Online Representations Certifications Application (ORCA)(see Section K.1 FAR 52.204-8 Annual Representations and Certifications), the submission of the offer with the signature in Block 17 of SF33 constitutes the required verification and certification (except for changes identified in Section K.1 by the offeror). See Section K.1(d). For the Representations and Certifications contained in Section K.2 – Section K.4 and any changes to the certifications and representations contained in ORCA, the solicitation will be revised to include a Section K clause for a Signature/Certification.

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Question 239: Section I.33 and FAR 52.219-14(b)(1) (Limitation on Subcontracting)) imposes the 50% rule for small business set aside service contracts, whereby "at least 50 percent of the cost of contract performance incurred for personnel shall be expended for employees of the concern." We assume that this limitation will apply over the life of the contract rather than on each individual task orders, so as to ensure efficient performance of all task orders. Please inform all offerors if this understanding is not correct.

Answer: Clause I.33, FAR 52.219-14 Limitations on Subcontracting and Section L. 32 (14) Instructions for Preparing Cost Proposals — The sample task is representative of the work to be performed under the contract. For purposes of evaluating the offeror's compliance with the Limitations on Subcontracting clause, DOE will use the sample task and the costs proposed for the sample task to determine whether the offeror will be complying with the Limitations on Subcontracting. See Section L.32(14). Therefore, the offeror will need to demonstrate that at least 50 percent of the cost of the sample task performance incurred for personnel will be expended for employees of the offeror. See Section L.32(14) and answers to Questions 221 and 228.

Question 240: Should completed contract clauses for H.15 and H.33 be included in Volume I?

Answer: Clause H.15 Major or Critical Subcontracts – Designation and Consent, Clause H.33 Representations, Certifications, and Other Statements of the Offeror, and Section L.30 Proposal Preparation Instructions - Offer and Other Documents - Volume I (b)(2) and (5). The offeror shall complete Clause H.15 with the major or critical subcontractors as defined in EMCBC-L-1002, if any, proposed by the offeror and this shall be submitted in Volume I in accordance with Section L.30 (b)(5). The offeror may add more lines to Clause H.15, if necessary. The offeror should ensure that the major or critical subcontractors proposed by the offeror in Clause H.15 is consistent with the information contained in Technical Proposal, Volume II and Cost Proposal, Volume III.

Clause H. 33 Representations, Certifications, and Other Statements of the Offeror – As required by Section L.30(b)(2), the offeror should insert the Representations, Certifications, and Acknowledgements other than those executed in the Online Representations and Certifications Application (ORCA) in Volume I. The certifications and representations to be submitted in Volume I are those contained at Sections K.2 – K5 (K5 will be added via amendment; See answer to Question 238) as well as any changes identified by the offeror pursuant to Section K.1(d) to the certifications and representations in ORCA. The date in Clause H.33 will be included by the contracting officer in Clause H.33 at the time of award.

Question 241: To facilitate timely responses, some offerors have already distributed past performance questionnaires for reply directly to DOE. For those offerors whose selected projects for inclusion on the Attachment L-2 forms -- and hence the Attachment L-4 client questionnaires -- change as a result of the announced amendment to expand the look-back to 5 years, please provide instruction regarding how to delete from DOE's review and consideration those client questionnaires you receive which pertain to projects that are no longer included in the proposal. Will you cross-match and simply disregard those for which there is not a corresponding Past Performance Reference Information Form (Attachment L-2), or do wish to hear from us specifically on the matter?

Answer: Section L.31 (1) Criterion 1 – Relevant Experience and (4) Criterion 4 – Relevant Past Performance. First, it is requested that offerors contact client points of contact for Attachment L-2 forms which they no longer intend to include in their proposals and notify them of such. Second, DOE will align the Past Performance Questionnaires, Attachments L-4, received with the information provided on the Attachments L-2 provided by the offerors with submission of their proposals. Third, offerors may provide a listing only of (1) name of the entity for which a questionnaire is being provided, e.g. offeror's name, subcontractor name, member of LLC, etc.; (2) client point of contract; and (3) Contract Number and any other identifying information. This listing can be provided as a separate submittal in Volume II, Criterion 4. The listing is excluded from the page limitations and will not be evaluated. It will be used to align the information provided regarding Attachments L-4 received from client point of contacts. Offerors should

ensure that Attachments L-4 are provided to the client points of contact for the contracts identified on Attachments L-2.

Question 242: In section L.32 (6), the RFP states: "The offeror shall provide a detailed narrative description of how the proposed costs by cost element were derived..." including work scope, assumptions, basis of estimate, etc. Additionally as part of schedule 5 in the excel sheet, we must also include a description of assumptions and basis for our costs for each WBS. Question: in section L.32 (6), do you want that narrative to be for each cost element (direct labor, materials, fringe benefits, etc) or do you want the narrative to be for each WBS? Please clarify.

Answer: See Answer to Question 237 above.